Paper No. 26

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte RAYMOND A. LORIE

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Appeal No. 2000-0222
Application No. 08/938,044

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ON BRIEF

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Before FLEMING, RUGGIERO, and DIXON, **Administrative Patent Judges**.

DIXON, **Administrative Patent Judge**.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1, 3, and 5-21, which are all of the claims pending in this application.

We REVERSE.

BACKGROUND

Appellant's invention relates to a optical character recognition system having a context analyzer. An understanding of the invention can be derived from a reading of exemplary claim 1, which is reproduced below.

> 1. An optical character recognition (OCR) system comprising:
>
> means for producing a scan of an input image of text to be recognized;
>
> a context analyzer coupled to receive the scan, for checking the scan for consistency with a predetermined text content constraint, the predetermined text content constraint including a syntactical constraint and a semantic constraint;
>
> user input means for accepting user-selected text content constraints, including a character-based syntactical constraint and a character-based semantic constraint, the user input means including a document specification language which serves as a user interface to allow the user to enter the user selected text content constraints;
>
> syntax means for checking the preliminary scan for consistency with the character-based syntactical constraint; and
>
> semantics means for checking the preliminary scan for consistency with the character-based semantic constraint.

The prior art reference of record relied upon by the examiner in rejecting the appealed claims is:

Chong et al. (Chong)   5,535,120   Jul. 9, 1996

Claims 1, 3, 5-7, and 13-21 stand rejected under 35 U.S.C. § 102 as being

anticipated by Chong. Claims 8-12 stand rejected under 35 U.S.C. § 103 as being

unpatentable over Chong.

Rather than reiterate the conflicting viewpoints advanced by the examiner and

appellant regarding the above-noted rejections, we make reference to the examiner's

answer (Paper No. 24, mailed Jun. 21, 1999) for the examiner's reasoning in support of

the rejections, and to appellant's brief (Paper No. 23, filed Mar. 15, 1999) for appellant's

arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to

appellant's specification and claims, to the applied prior art reference, and to the

respective positions articulated by appellant and the examiner. As a consequence of

our review, we make the determinations which follow.

35 U.S.C. § 102

Appellant argues that Chong is silent as to any details of the OCR system. (See

brief at pages 8, 12 and 13.) We agree with appellant that Chong provides only a

cursory discussion of the OCR system to be used in the machine translation system.

While Chong mentions OCR with respect to the recognition of the characters at the

input of the system to identify readable text and cover page designation (Chong at

columns 6 and 7), Chong discloses that the "translation functions are kept separate

from the receiving, recognition . . . and other functions of the Computer Server 10."

(Chong at columns 9, lines 34-38.) From this teaching, it is clear that the OCR

functionality and the translation functionality are separate and distinct functions.

Therefore, the examiner's reliance on the discussion of dictionaries used after the

recognition module performs the OCR function are not relevant to the scanning of the

image and analysis of the input image to determine the appropriate character

recognition as recited in the language of independent claim 1. (See answer at pages 3-

4.)

Appellant argues that the examiner has gone far-afield and applied the prior art

disclosures without giving any context to the claimed features. (See brief at pages 14

and 15.) We agree with appellant as discussed above and we will not sustain the

rejection of independent claim 1 and its dependent claims 3, 5-7 and 15-17.

Independent claims 13 and 14 contain similar limitations which are not taught by

Chong. Therefore, we will not sustain the rejection of these claims and dependent

claims 18-21.

35 U.S.C. § 103

The examiner's obviousness determination is based upon the same deficiency

as discussed above which the examiner has not remedied by the various uses of

"Official Notice." The examiner's obviousness determination has not corrected the

noted deficiencies above, and we will not sustain the rejection of dependent claims 8-12

under 35 U.S.C. § 103.

CONCLUSION

To summarize, the decision of the examiner to reject claims 1, 3, 5-7 and 13-21

under 35 U.S.C. § 103 is reversed, and the decision of the examiner to reject claims 8-

12 under 35 U.S.C. § 103 is reversed.

REVERSED

MICHAEL R. FLEMING Administrative Patent Judge	)
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	) BOARD OF PATENT
JOSEPH F. RUGGIERO Administrative Patent Judge	) APPEALS
	) AND
	) INTERFERENCES
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JOSEPH L. DIXON Administrative Patent Judge	)
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JD/RWK

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